
Costs Decision

Site visit made on 12 December 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd December 2016

Costs application in relation to Appeal Ref: APP/W3520/W/16/3158378 The Old Telephone Exchange, Station Road, Claydon, Suffolk, IP6 0HS

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Roderick Allen for a full award of costs against Mid Suffolk District Council.
 - The appeal was against the refusal of planning permission for the demolition of existing store, conversion of existing office to a dwelling and rear single storey extension to replace store.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The sole grounds for refusal were the harm that the proposal would cause to the living conditions of future occupants of the development. My decision, which accompanies this costs decision, found the development would be acceptable and would not have any adverse impact.
4. The applicant contends that the Council have not been consistent in their decision making and has supplied details of other developments which have been approved with smaller areas of outdoor amenity as part of the appeal. However, the focus was not on the single issue of garden size, rather, it is clear that the Council found harm in respect of the scale of outdoor amenity space in combination with the disturbance from the neighbouring development of The Pines.
1. In exercising their planning judgement, I am therefore satisfied that the Council determined the application on the basis of its own merits in respect of the key characteristics of the appeal site and it was not unreasonable for them to do so.
5. For these reasons I conclude that, while the appeal has succeeded, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

C Searson
INSPECTOR
